

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CELGENE CORPORATION,

Plaintiff,

v.

APOTEX INC.,

Defendant.

Civil Action No. 18-461 (SDW)(LDW)

Hon. Susan D. Wigenton, U.S.D.J.

Hon. Leda D. Wettre, U.S.M.J.

CONSENT JUDGMENT

WHEREAS Plaintiff Celgene Corporation (“Celgene”) brought this action against Apotex Inc. (“Apotex” or “Defendant”);

WHEREAS Celgene asserted that, among other things, Apotex’s submission of ANDA No. 211022 infringes claim numbers 1-10 of U.S. Patent No. 7,855,217 (“Asserted Claims”) (*see* D.I. 1);

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. This Court has jurisdiction over the subject matter of the above-captioned action and personal jurisdiction over the parties;
2. The Asserted Claims are valid and enforceable;
3. Apotex’s product that is the subject of ANDA No. 211022 does not infringe any of the Asserted Claims;
4. Judgment of non-infringement is therefore entered in favor of Apotex and against Celgene as to Count VII (Infringement of the ’217 Patent) of Celgene’s Complaint (D.I. 1);
5. Count VII (Infringement of the ’217 Patent) of Celgene’s Complaint (D.I. 1) is hereby dismissed with prejudice;

6. Nothing herein shall extend to any other patents, claims, counterclaims, or affirmative defenses that have been asserted or could have been asserted in the above-referenced litigation.

7. Each party shall bear its own costs, expenses, and attorneys' fees associated herewith, including in connection with proceedings on U.S. Patent No. 7,855,217.

8. This court retains jurisdiction to enforce or supervise performance under this Consent Judgment.

We hereby consent to the form and entry of this Judgment:

Dated: April 26, 2019

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SO ORDERED on this 30th day of April, 2019


Hon. Susan D. Wigenton, U.S.D.J.